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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,151	09/29/2003	Clifford H. Kraft	KRAFTCLIFF-092003	1913
74642	7590	10/24/2008		
CLIFFORD H. KRAFT 320 ROBIN HILL DR. NAPERVILLE, IL 60540			EXAMINER BEAULIEU, YONEL	
			ART UNIT 3661	PAPER NUMBER
			MAIL DATE 10/24/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/674,151	Applicant(s) KRAFT ET AL.	
	Examiner /Yonel Beaulieu/	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-223 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Miscellaneous

Prosecution of the file has been re-opened.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 9 – 12, 15, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by USP 7257426 B1 to Witkowski et al (“Witkowski”).

Regarding the above claims, Witkowski teaches a system for providing road construction information to vehicle on-board telematics systems comprising at least one telemetric system in a vehicle (14; see figs. 9 –12 at least), the telemetric system

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displaying (via item 22) map information (col. 15, lines 38 - 67 at least); a central information gathering location (96, or the Internet or GPS) for gathering information for vehicle routes, the information being at least partially supplied by a government agency (the GPS, as known, was developed by U.S. Department of Defense; hence, a government agency; note col. 14, lines 4 – 37 at least); a means (98; construed as a local area network) for wirelessly providing the information to the telemetric system from the central location (as illustrated in figs. 10 and 11), wherein the system displays the road construction information and map information (the information is displayed through item 22; col. 14, lines 26 – 37; note also col. 15, lines 4 – 67); the system further charges a fee (service subscription fee) for the information (col. 9, line 60 – col. 10, line 25 at least).

Claims 21 – 23 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6580904 B2 to Cox et al. (“Cox”).

Regarding claims 21 – 23, Cox teaches a system for long-distance trip planning comprising a computer, a storage device and a communication sub-system (see fig. 2), the system receiving reports of road construction sites (see fig. 1) and stores reports in the storage device and displays map information and construction information, the system being part of a vehicle (10) and includes a cellular telephone (see figs. 1-2; overall, note col. 1, lines 37 – 41; col. 2, line 66 – col. 3, line 18; col. 5, lines 45 – 56; col. 7, lines 42 – 65; col. 13, lines 14 – 17; col. 14, line 66 – col. 15, line 10 at least).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13, 14, and 17 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witkowski ('426) in view of US 6209026 B1 to Ran et al ("Ran").

As previously discussed, Witkowski teaches all of the limitations of the above claims, including presenting the information in text form, except for the construction information containing information on number of lanes affected and work times.

However, Ran teaches, in the same field of endeavor of providing trip planning information, construction information containing information on number of lanes affected and work times (col. 6, line 42 – col. 7, line 36; col. 15, lines 1 – 57 at least).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Witkowski's teaching by providing construction information on number of lanes affected and work times as evidenced by Ran in order to enhance providing trip information by eliminating irrelevant information to the system user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Yonel Beaulieu/ whose telephone number is (571) 272-6955. The examiner can normally be reached on Mon., Wed. & Thur. between 0900 and 1600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yonel Beaulieu/
Yonel Beaulieu
Primary Examiner
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